

### REMARKS

Upon entry of the present amendment, the claims in the application the claims in the application remain claims 1-20, of which claims 1 and 18 are independent.

Claims 18 is amended to change the term "form" to --formed-- as suggested by the Examiner on page 2 of the Office Action. Additionally, claim 1 is amended to further define that the pocket extends inwardly at a lower surface of the airbag when the airbag is fully inflated", and claim 18 is amended to further define that the pocket is formed in the lower surface of the air bag when the air bag is fully inflated.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the drawings. Applicant further respectfully submits that no new matter is introduced by the above amendments.

Additionally, applicant respectfully submits that the amendment to claim 18 overcomes the Examiner's objection set forth on page 2 of the Office Action, and it is respectfully requested that such objection be reconsidered and withdrawn.

#### Objection to Specification

At page 2 of the Office Action, the Examiner has objected to the term "exist" appearing at lines 13 and 19 of page 2 of the specification, suggesting that the term should be changed to --exists--.

Applicant has considered such objection but has not made the change suggested by the Examiner because the verb is used in combination with the plural noun "problems" and is, therefore, appropriate. Correspondingly, it is respectfully requested that such objection be reconsidered and withdrawn.

#### Rejections Under 35 USC §102

1. The Examiner has rejected claims 1, 4 and 14-17 under 25 U.S.C. 102(b) as anticipated by Maruyama et al. It is the Examiner's position that, with reference to his Fig. 2, Maruyama's airbag 18 including protrusion 37 and exhaust holes 40 meets all of the limitations of the rejected claims, including a pocket located in a position corresponding to a top of a child safety seat.

Applicant's Response

Upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection and submits that the air bag system defined in each of the rejected claims is clearly patentably distinct over Maruyama's air bag system, because Maruyama's air bag includes an *outwardly projecting protrusion* rather than an *inwardly extending pocket* as now defined in claim 1, the protrusion is not located in a position corresponding to a top of a child safety seat as defined in claims 2-3, and also because Maruyama's protrusion does not have the specific shapes defined in claims 14 and 16, and therefore cannot be properly viewed as anticipating any of those claims.

As disclosed, the protrusion of Maruyama extends outwardly from the main portion of the air bag and includes a curved/rounded outermost end. Further, the protrusion is situated at a lower intermediate surface of the air bag to protect the knees and legs of a vehicle occupant from contact with the vehicle dashboard/instrument panel, as discussed in column 4, lines 26-29 and shown in Figs. 16-17 of the reference. It is respectfully submitted that such placement and positioning of the protrusion, in an area selected to protect the knees and legs of an occupant, clearly *does not correspond* to a pocket being placed in a position at a top portion of a child safety seat, as required by applicant's claims 2 and 3. Rather, Maruyama's disposition of his protrusion in a location near the knees and legs of an occupant actually *teaches away from* the claimed invention, and therefore provides evidence of patentability of claims 2 and 3.

Based on the foregoing, applicant respectfully submits that the rejection of 1-4 and 14-17 under 35 USC 102(b) as unpatentable over Maruyama is overcome, and accordingly it is respectfully requested that such rejection be reconsidered and withdrawn.

2. The Examiner has also rejected claims 1-3, 5, 6, 9, 18 and 20 under 25 U.S.C. 102(e) as anticipated by Ellerbrok et al. It is the Examiner's position that Ellerbrok's gas bag 33 includes a pocket 31 when the air bag is inflated having a predetermined depth with an opening and a strap 51, and wherein the pocket is located in a position corresponding to a top portion of a child safety seat as claimed.

Applicant's Response

Upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection and submits that the air bag system defined in each of the rejected claims is clearly patentably distinct over Ellerbrok's restraint system, because the gas bag of such system does not include any pocket when the bag is *fully inflated*, as now defined in claims 1 and 18, nor does it include a connecting *strap* as defined in claims 6, 9 and 18, while the protrusion is not located in a position corresponding to a top of a child safety seat as defined in claims 2-3 and 20.

Particularly, Ellerbrok teaches an air bag including a hollow recessed pocket formed therein by folding a portion of the air bag securing the fold using rupturable tear seams 19, 21, 51 or a rupturable, perforated fabric tab 101, such that the air bag may be deployed in stages, e.g., as the gas pressure within the air bag increases to a first predetermined pressure with gas from an inflator 5, one of the tear seams ruptures reducing the size of the pocket, then when the gas pressure reaches a second predetermined level another tear seam ruptures further reducing the size of the pocket, etc. until all the tear seams have ruptured such that when the *gas bag is fully inflated the pocket no longer exists*. Thus, Ellerbrok's system does not include a pocket as now defined in claims 1 and 18.

In this regard, it is clear that the object of Ellerbrok's system (multi-stage deployment of an air bag) is completely different than that of the present invention (provision of a pocket or recess in a fully deployed air bag to minimize impact to an object such as a child safety seat in the path of deployment for an air bag, while still providing necessary passenger restraint in the event of collision).

Also, applicant respectfully submits that even to any extent that Ellerbrok's gas bag includes a pocket prior to full expansion of the bag, the pocket of Ellerbrok's air bag does not (contrary to the requirements of claims 2-3) receive the top portion of a child seat or any other obstacle therein given the presence of the unruptured tear seams 21 or 51 or the fabric tab 101 at the outer extremity or mouth of the pocket. The seams or tab maintain the mouth of the pocket in a substantially closed position until ruptured as shown in Ellerbrok's Figs. 10-15. Additionally, the mouth of Ellerbrok's pocket is disposed closely to the inflator 5 facing toward the dashboard as shown in each of Ellerbrok's embodiments, which does not correspond to the upper portion of a child safety seat.

Still Further, applicant respectfully submits that Ellerbrok's tear seams or fabric tab do not correspond to or read on a connecting strap as defined in claims 6, 9 and 18. The seams are not "straps" according to the plain meaning of such term or as disclosed in the present application, nor do such tear seams connect an *inside of an upper surface* of the air bag with a bottom of a pocket bag portion, but instead connect outer surfaces of the bag to each other. Similarly, the fabric tab 101 "...connects *outer wall portions* 31, 33 with each other....(emphasis added)"

Based on the foregoing, applicant respectfully submits that the rejection of claims 1-3, 5, 6, 9, 18 and 20 under 35 USC 102(e) as unpatentable over Ellerbrok et al. is overcome, and accordingly it is respectfully requested that such rejection be reconsidered and withdrawn.

#### Rejections Under 35 USC §103(a)

3. The Examiner has also rejected claims 7, 8 and 10-17 under 35 USC §103(a) as being unpatentable over Ellerbrok et al. And has rejected claim 19 under 35 USC §103(a) as being unpatentable over Ellerbrok et al. In view of Maruyama, as set forth on pages 4-5 of the Office Action. It is the Examiner's position that it would have been obvious at the time of the invention to use in Ellerbrok's system the specific pocket depths and opening areas as claimed because this would simply involve determining optimum values for result effective variables using routine skill in the art; the pocket shapes are simply matters of design choice and Maruyama's disclosure reflects the conventional nature of providing vent holes in an air bag near a pocket.

Applicant's Response

Upon careful consideration, applicant respectfully submits that such rejections are overcome and that present claims 7, 8, 10-17 and 19 are clearly patentably distinct over the applied references, for those reasons as discussed above relative to independent claims 1 and 18, and because the references themselves provide no support for modifying Ellerbrok's gas bag such that a pocket thereof receives the upper portion of a child safety seat or includes specifically shaped portions as claimed given the non-permanent nature of the pocket and the seam or tab closing the mouth portion thereof. In other words, applicant respectfully submits that the proposed modifications are improperly based on suggestions coming entirely from the Examiner (as guided by the hindsight of applicant's disclosure), rather than from any teaching or suggestion which may be fairly gleaned from the references themselves. Again, the applied references do not relate in any way to a child safety seat in a vehicle, so that there is no motivation to adapt a gas bag of Ellerbrok to receive same.

Accordingly it is respectfully requested that the rejections of claims 7, 8, 10-17 and 19 be reconsidered and withdrawn.

4. The Examiner has further rejected claims 2-3 and 20 under 35 USC §103(a) as being unpatentable over Maruyama in view of Haland UK Patent Application No. 2270834 or Ellerbrok in view of Haland, as set forth on pages 4-6 of the Office Action.<sup>1</sup> It is the Examiner's position that it would have been obvious to modify the systems of either Maruyama or Ellerbrok such that a pocket in the air bag receives the upper portion of a child safety seat based on the teachings of Haland.

Applicant's Response

Upon careful consideration, applicant respectfully submits that such rejections are overcome and that present claims 2, 3 and 20 are clearly patentably distinct over the applied

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<sup>1</sup> It is noted that there are two versions of the Office Action included, i.e., a first version in which only Maruyama et al. US Patent 5,584,508 and Ellerbrok et al. US Patent 6,164,696 are applied in rejecting claims, and a second version including a third reference Haland et al. UK Patent Application 2270834 applied relative to claims 2, 3 and 20. The rejection involving Haland is addressed here.

references, for those reasons as discussed above relative to independent claims 1 and 18, and because the references themselves provide no support for modifying Maruyama's or Ellerbrok's systems to include a recess or pocket located to receive the top of a child safety seat, as proposed by the Examiner.

Maruyama's protrusion is specifically constructed and intended to extend outwardly from the air bag to protect an occupant's legs from contact with a dashboard. As such, it would never be obvious to somehow modify the protrusion to receive the upper portion of a child safety seat (situated on the front passenger's seat) because this would directly violate and destroy Maruyama's invention. Similarly, given that Ellerbrok's pocket is constructed such that it would never receive any object therein (again due to the rupturable seam or tab at the mouth of the pocket prior to full inflation and the fact that there is no pocket upon full inflation), it would never be obvious to somehow modify Ellerbrok's pocket to receive the upper portion of a child safety seat because this would directly violate and destroy Ellerbrok's invention. Still further, Haland's disclosed solution to interference between the top of a child safety seat and an air bag is to brace or reinforce the seat in position, which is completely different than the solution according to the present invention, so that Haland's disclosure also provides no motivation for the modification.

Based on the foregoing, applicant respectfully submits that the rejections of claims 2, 3 and 20 under 35 USC 103(a) as unpatentable over the Ellerbrok Maruyama and Haland references are overcome, and accordingly it is respectfully requested that such rejections be reconsidered and withdrawn.

#### Other References Cited in the Office Action

The additional references cited by the Examiner on the attached Form PTO-892 and discussed at page 6 of the Office Action have been considered by applicant, but it is respectfully submitted that these additional references fail to overcome the deficiencies of the Ellerbrok Maruyama and Haland references as discussed above relative to the claimed invention.

#### Conclusion

In conclusion, applicant has overcome the Examiner's objections and rejections as presented

in the Office Action; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

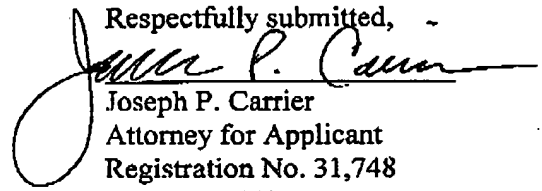
The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable reconsideration is respectfully requested.

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I hereby certify that this correspondence is being sent via facsimile transmission to the US Patent & Trademark Office, Art Unit 3616, June 27, 2003.

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